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TO RUEHC/SECSTATE WASHDC IMMEDIATE 4932
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INFO RUCPDOC/USDOC WASHDC
RUEHGV/USMISSION GENEVA 1592
RUEHNE/AMEMBASSY NEW DELHI 0359
RUEHKA/AMEMBASSY DHAKA 9698
RUEHIL/AMEMBASSY ISLAMABAD 6634
RUEHKT/AMEMBASSY KATHMANDU 4694
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UNCLAS SECTION 01 OF 03 COLOMBO 002072

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SUBJECT: SRI LANKA WORST FORMS OF CHILD LABOR UPDATE - DEC 2006

REF: A) STATE 184972 B) 05 COLOMBO 001562 C) 04 COLOMBO 001396 D) 03
COLOMBO 001436

¶1. Per Ref A, below is an update of the worst forms of child labor information for Sri Lanka. This report provides new developments since the submission of the last update in 2005 (Ref B).

Child Labor Legislation

¶2. In August 2006, the Parliament passed an amendment to the Employment of Women, Young Persons and Children Act enabling the Minister of Labor to publish regulations to prohibit the employment of persons below the age of eighteen (18) years in hazardous occupations. Sri Lanka has compiled a list of 49 occupations considered to be hazardous forms of child labor existing in Sri Lanka, pursuant to the ratification of International Labor Organization (ILO) Convention 182 on the Worst Forms of Child Labor in 2001. Forty occupations will be unconditional and completely prohibited for children aged 14-18 years while the remaining nine occupations will be conditionally prohibited upon the publication of the relevant regulation. Penalties for violation of the law are either a fine of Rs 10,000 (approximately USD 100) or imprisonment of up to 12 months or both, and payment of compensation as decided by courts.

¶3. The government also amended the Penal Code in 2006 to strengthen laws against child abuse and child labor. The amendment aims to prevent sexual abuse of children via computers and in hotels as well as the soliciting of children for sexual abuse. It also expands the definition of trafficking to conform to international standards. The amendment also gives effect to Sri Lanka's obligations under following ILO/UN Conventions: The Slavery Convention; The Convention Concerning Forced or Compulsory Labor; The Supplementary Convention on the Abolition of Slavery; the Slave Trade and Institutions and Practices Similar to Slavery; and The Convention on the Elimination of Worst Forms of Child Labor. A jail term of up to 20 years is prescribed for offenses covered by these conventions. Where the victim is under 18 years, the jail term may be extended up to 30 years.

Child Labor Law Enforcement

¶4. Enforcement Statistics: The following table presents data on child labor complaints made to government agencies.

| Year | Dept of Labor(A) Complaints | Prosecutions | NCPA(C) Complaints |
|---------|--------------------------------|--------------|-----------------------|
| 2000 | 194 | 7 | 184 |
| 2001 | 255 | 42 | 276 |
| 2002 | 161 | 26 | 386 |
| 2003 | 203 | 44 | 179 |
| 2004 | 147 | 48 | 409 |
| 2005 | 105 | NA | 315 |
| 2006(B) | 60 | NA | NA (D) |

Source: Department Of Labor and NCPA

NA: not available

(a) Employment of children below 14 years

(b) Data for January to May 2006.

(c) National Child Protection Authority (NCPA) receives complaints on all forms of abuse against children below 18 years. Most of the complaints concern sexual abuse, including child prostitution.

(d) In 2005, NCPA received eight complaints about child labor and 196 about sexual abuse.

¶5. The National Child Protection Agency's cyber watch unit continues to combat child abuse (child pornography and pedophilia) using the internet. The unit has also been able to crack down on foreign pedophiles operating in Sri Lanka. Statistics pertaining to cyber watch unit activities are below. Data within parenthesis indicate the number of foreign suspects.

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| -- | No of investigations | No of arrests |
|---------|----------------------|---------------|
| 2002 | 45 (17) | 7 (4) |
| 2003 | 40 (10) | 2 (0) |
| 2004 | 25 (7) | 2 (2) |
| 2005(a) | 34 (10) | 2 (0) |

(a) January to July

Source: National Child Protection Agency

Government Policies and Programs

¶6. The government has created a new Ministry of Child Development and Women's Empowerment. The National Child Protection Authority (NCPA), the main agency tasked with protection of children from child labor, abuse and exploitation, which was earlier an independent authority under the President's office, has been placed under this new ministry. The NCPA is being re-organized under a new chairperson and a new board of directors, and has been less active in the past 12 months, than in the previous years.

¶7. The Government of Sri Lanka continues to demonstrate a strong commitment to education, and strives to eliminate child labor through education. The government continues to provide free education as well as free school textbooks, breakfasts and uniforms.

Schooling is mandatory for all children aged 6 to 14 years. According to a recent World Bank report, net primary school enrolment in Sri Lanka was 96 percent and primary completion rate was 95 percent. The government now faces the challenges of expanding equitable access to post-primary education and establishing a high quality education system. To respond to these challenges, the government has developed an overarching Education Sector Development Framework and Program (ESDFP) for the period 2006-2010. The World Bank is supporting the ESDFP with grant funds of USD 60 million. Although not explicitly stated, child labor will be discouraged through a key component of the project which aims to promote school attendance and informal education, upgrading of school network in rural and estate regions (key sources of child

labor), and special education programs for children with special learning needs. The government is also working with UNICEF and ILO IPEC to eliminate child labor and improve access to education and informal education.

New Developments

¶8. No national survey of child labor has been done since 1999. The ILO Sri Lanka has repeatedly stressed the need for updated data, to take stock of the current child labor situation and design programs and policies to address problems. ILO is currently preparing a new program for elimination of child labor. US Department of Labor is expected to fund some aspects of the program which will include research, a national estimation of child labor in key sectors, and policy formulation.

¶9. Child Soldiers: Child conscription by the Liberation Tigers of Tamil Eelam (LTTE) continues to be the gravest problem facing children of Sri Lanka. Despite a commitment to release all children within their ranks, the LTTE continues to recruit children. According to UNICEF data bases, as of October 2006, there are 1598 outstanding cases of under age (below 18 years) recruitment by the LTTE and another 142 cases of under age recruitment by a breakaway LTTE group, Karuna. The international community, led by the UNICEF, has repeatedly condemned the recruitment of child combatants by the LTTE and Karuna group. In November 2006, UNICEF accused GSL troops of assisting the Karuna group to recruit child soldiers. Sri Lanka has determined that child soldiers are child laborers, thereby affirming that their recruitment is a punishable crime under the new law.

¶10. Child Sex Tourism: According to UNICEF, while the exact numbers are not known, it's estimated that a significant number of Sri Lankan children are drawn into prostitution every year, the majority of them boys. These children are exploited by both local

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people and foreign tourists. In order to combat child sex tourism, the Sri Lanka Tourist Board and the government tourism promotion agency, with UNICEF support, launched a two year action plan in mid ¶2006. The campaign will target tourists, children, adolescents, hoteliers and journalists through mass media and advertisements with the message that there is zero tolerance for child sex tourism.

¶11. Post will send copies of the new legislation mentioned in para 2 and 3 via pouch to DOL/ILAB Tina McCarter.

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